

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

Case: 2:23-mj-30148

United States of America

v.

Case No.

Assigned To : Unassigned

Assign. Date : 4/10/2023

Isaiah Caleb-James Levye

Description: RE: SEALED
MATTER
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 5, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(1)


Offense Description

Felon in Possession of a Firearm

This criminal complaint is based on these facts:
see attached affidavit.☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: April 10, 2023City and state: Detroit, Michigan
Complainant's signature

Brendt J. Smith, Special Agent (ATF)

Printed name and title


Judge's signature

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Brendt J. Smith, being duly sworn, depose and state the following:

INTRODUCTION

1. I have been employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2022. I am currently assigned to the Detroit, Michigan Field Division, Group II. In this role, I investigate violations of firearms, arson, fraud, explosives, and narcotics laws. Prior to my employment with ATF, I was employed by United States Customs and Border Protection (CBP), Office of Field Operations, for approximately eight years in the position of federal officer. Prior to my employment with CBP, I was employed by the City of Saint Clair for approximately seven years in the position of police officer.

2. I have an associate degree in Criminal Justice from Saint Clair County Community College. I graduated from the Kirtland Regional Police Academy and completed the CBP Field Operations Academy, Criminal Investigator Training Program and Special Agent Basic Training at the Federal Law Enforcement Training Center.

3. I make this affidavit from personal knowledge based on my participation in this investigation, as well as information received from other law enforcement officers and/or their reports and records. The information outlined herein is provided for the limited purpose of establishing probable cause and does

not contain all details or facts that exist pertaining to the investigation. As set forth below, probable cause exists that Isaiah Caleb-James LEVYE (B/M, DOB: XX/XX/1994) violated 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) on or about January 5, 2023.

CRIMINAL HISTORY FOR LEVYE

4. On March 22, 2023, I conducted a criminal history check (CCH) for LEVYE and learned LEVYE has been convicted of the following felony offenses:

- 2016 – Court of Common Pleas of Beaver County (PA) – Felony- Access Device Fraud;
- 2016 – Court of Common Pleas of Beaver County (PA) – Felony- Access Device Fraud;
- 2017 – 3rd Circuit Court – Attempt Felony- Controlled Substance Delivery/Manufacturing (Cocaine, Heroin or Another Narcotic) Less Than 50 Grams;
- 2018 – 3rd Circuit Court - Felony – Controlled Substance- Delivery/Manufacturing (Cocaine, Heroin or Another Narcotic) -50-449 Grams; and
- 2018 – 3rd Circuit Court – Felony Weapons- Felony Firearm.

5. For the 2018 controlled substance and felony weapons convictions, LEVYE was sentenced to a term of imprisonment beginning on March 6, 2018, until he was paroled on October 5, 2021. On October 5, 2021, LEVYE acknowledged and signed a Michigan Department of Corrections (MDOC), Prisoner Pre-Release notice (CSJ-290). The CSJ-290 notified LEVYE that under federal law, as a

convicted felon, LEVYE could not possess a firearm or ammunition.

PROBABLE CAUSE

6. On December 16, 2022, the Inkster Police Department (IPD) investigated a felonious assault involving LEVYE. The victim named LEVYE as the suspect. Further investigation revealed LEVYE attempted to sell controlled substances to the victim. When the victim refused, LEVYE struck the victim's left eye area with an unknown object causing serious injury which required surgery at Royal Oak Beaumont Hospital. The victim pursued charges against LEVYE.

7. On January 5, 2023, IPD submitted a USM-560 form requesting the apprehension of LEVYE by the MSP fugitive apprehension team in connection with the felonious assault complaint taken by IPD on December 16, 2022. At approximately 1:32 PM, an MSP surveillance team observed Isaiah LEVYE leave 6XX9 Syracuse Street in Taylor, MI. The team watched LEVYE enter the driver's seat of a silver Chrysler Town and Country minivan (later determined to be registered to LEVYE's mother). LEVYE was the sole occupant of the minivan.

8. The team followed LEVYE in the minivan. At approximately 1:41 PM, the surveillance team observed LEVYE arrive at the Tropical Smoothie on Telegraph Road in Taylor, MI. At approximately 1:48 PM, LEVYE used the Tropical Smoothie drive-through and exited the parking lot. At approximately 2:15 PM, the surveillance team observed LEVYE parking in a lot near 32226 Hamilton

Plaza in Wayne, MI. The surveillance team observed LEVYE sitting in the minivan in the parking lot. At approximately 2:26 PM, the surveillance team observed an unidentified male approach LEVYE's vehicle and open the passenger door. LEVYE appeared to speak with the unidentified male who then left on foot. At approximately 3:08 PM, LEVYE exited the minivan and entered a two-story building nearby.

9. For the next couple hours, the surveillance team continued to monitor the minivan, which was unoccupied. Approximately two and half hours later, at approximately 5:45 PM, the surveillance team observed LEVYE attempting to enter the minivan. Law enforcement attempted to contact LEVYE and observed LEVYE crouch near the driver's seat of the minivan before running from police. Officers ran after LEVYE and eventually apprehended him.

10. After apprehending LEVYE, investigators observed a firearm, in plain view, on the floorboard near the driver's seat of the minivan where they had previously seen LEVYE crouching before running. Investigators seized the minivan and obtained a State of Michigan search warrant for the minivan from the 31st District Court of Michigan, signed by Judge Krot.

11. During a subsequent search of the minivan, investigators recovered a significant amount of men's clothing, documentation for Isaiah LEVYE, including a traffic citation issued to LEVYE on December 17, 2022, a cellular phone, and a firearm with a machinegun conversion device attached. The firearm recovered by

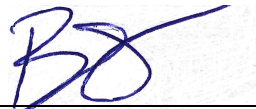
law enforcement personnel is identified as a Glock, Model:23, .40 S&W caliber pistol bearing serial number, BMLX529. The firearm was loaded with one live round in the chamber and eighteen live rounds in the magazine.

12. ATF Interstate Nexus Expert, Special Agent Joshua McLean later physically examined the firearm recovered from the minivan described above. Based on SA Mclean's training and experience with firearms interstate nexus and SA McLean's examination of the firearm, SA McLean concluded the firearm was manufactured outside the State of Michigan and is a firearm as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3). Therefore, probable cause exists that the firearm possessed by LEVYE traveled in and affected interstate or foreign commerce.

CONCLUSION

13. Probable cause exists to believe that Isaiah Caleb-James LEVYE, having been previously convicted of at least one felony, did knowingly possess a firearm that had previously traveled in and affected interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

Respectfully submitted,



Brendt Smith, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read "David R. Grand", is positioned above a horizontal line.

Hon. David R. Grand
United States Magistrate Judge

Date: April 10, 2023